

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

STIPULATION AND ORDER

WHEREAS, by Order dated December 5, 2006 (D.I. 93), all summary judgment motions must be served and filed with opening briefs no later than April 2, 2007, and

WHEREAS, the Court entered an Amended Scheduling Order on March 28, 2007 (D.I. 97) that answering briefs on summary judgment shall be served and filed no later than April 30, 2007 and reply briefs on summary judgment shall be served and filed no later than May 14, 2007; and resetting the Pretrial Conference for July 23, 2007 at 4:30 PM;

WHEREAS, counsel need additional time to file opening and answering summary judgment briefs due to scheduling issues; and

WHEREAS, the parties have agreed to the extension below that will not impact the date by which reply briefs must be filed and served;

IT IS HEREBY STIPULATED AND AGREED by plaintiff Mobius Management Systems, Inc. and defendants Acartus, Inc. and EMC, Corporation (“Acartus”) through their undersigned counsel, and subject to the approval of the Court, that:

1. The date by which Acartus may file and serve summary judgment motions and opening briefs is extended to and including April 5, 2007.

2. The date by which Mobius may file and serve answering briefs in opposition to summary judgment is extended to and including May 3, 2007.

3. The date by which Acartus may file and serve reply briefs in support of summary judgment motions shall remain May 14, 2007.

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and EMC Corporation*

SO ORDERED THIS ____ day of _____, 2007

The Honorable Sue L. Robinson
United States District Court Judge

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